

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH SUNDAY, JR. d/b/a SUNDAY  
TRUCKING, LLC,

Plaintiff,

v.

BERKSHIRE HATHAWAY HOMESTATE  
INSURANCE COMPANY and NATIONAL  
LIABILITY & FIRE INSURANCE  
COMPANY,

Defendants.

CIVIL ACTION NO. 3:17-CV-00946

(JUDGE CAPUTO)

**ORDER**

NOW, this 30<sup>th</sup> day of July, 2018, upon review on Defendants' Motion for Summary Judgment (Doc. 13), **IT IS HEREBY ORDERED** that:

- (1) Defendants' Motion for Summary Judgment is **GRANTED** in part and **DENIED** in part:
  - (a) Judgment is **ENTERED** in **FAVOR** of Defendant National Liability & Fire Insurance Company and **AGAINST** Plaintiff Joseph Sunday, Jr. on Count I of the Complaint.
  - (b) Defendants' Motion for Summary Judgment is **DENIED** with respect to Count III of the Complaint.
- (2) This matter is placed on the October 2018 Trial List.

/s/ A. Richard Caputo

A. Richard Caputo  
United States District Judge